

Unlike the Applicants' claimed device wherein "a flow of fluid through the side connecting channel opens the capillary stop valves," McNeeley appears to only disclose, at column 14, lines 3-12, wherein the fluid blocked by stop valve is opened by a fluid flow through main channel (1), rather than side connecting channel 2.

2. Furthermore, although McNeeley discloses opening a stop valve by breaking surface tension, Applicants respectfully submit that McNeeley, at column 14, lines 4-14, discloses wherein the fluid applied to open the valve is "forced past stopping means 'a' into channel 1." Applicants' stop valve, however, is automatically opened by capillary flow without the application of additional pressure. More specifically, Applicants' fluid, which fills a reaction chamber, flows by a capillary force to break surface tension of a first stop valve, so that the first stop valve is opened. Continuous capillary flow through the side connecting channel then enables surface tension of a second stop valve to be broken, so that the second stop valve is opened. Accordingly, Applicants' device is distinguished from McNeeley in that only capillary force is used to open the Applicants' stop valves.

3. Claim 1 further recites, "at least one flow delay part formed within said side connecting channel and delays flow of the fluid by the surface tension of the fluid." (Emphasis added). Applicants respectfully submit that notwithstanding the assertions of the Examiner, McNeeley fails to disclose this feature.

At column 5, lines 50-59, McNeeley appears to only disclose how a stopping means may be formed, i.e., by a change in channel radius (*see* Fig. 1D). Applicants submit that one of ordinary skill in the art would understand that a stopping means that stops a flow is not synonymous with a delaying means that only delaying a flow of fluid. Furthermore, the cited text at column 7, lines 33-46, appears to only disclose wherein "a change in channel radius may draw fluid into the channel, rather than impede its flow." Therefore, Applicants respectfully submit that nowhere does McNeeley disclose, teach, or suggest "a delay part" that delays flow of a fluid, as recited in claim 1.

Based upon the above, Applicants respectfully submit that claim 1 is patentable due to the failure of McNeeley to disclose, teach or motivate all recited features of claim 1. Claims 2-16 depend from independent claim 1 and are likewise patentable over McNeeley for at least their

dependence on an allowable base claim, as well as for the additional features they recite. Accordingly, withdrawal of the rejection is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-16 are earnestly solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,
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